

## Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for

San Bruno Transfer Station

SWIS No. 41-AA-0014

June 9, 2014

**Background Information, Analysis, and Findings:** This report was developed in response to the San Mateo County Environmental Health Division, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for San Bruno Transfer Station, SWIS No. 41-AA-0014, located in San Bruno, in San Mateo County. The property is owned and operated by Recology San Bruno. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was received on May 8, 2014. A new proposed permit was received on May 13, 2014. Action must be taken on this permit no later than July 12, 2014. If no action is taken by July 7, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2004)	Proposed Permit
Name of Facility	San Bruno Garbage Co., Inc.	San Bruno Transfer Station
Name of owner and operator	San Bruno Garbage Co., Inc.	Recology San Bruno
Misc. Language in Specifications Section	At the time this permit was prepared, the basic design information was reviewed and was fundamental in setting the conditions in this permit, as were the details of the design information provided in the Transfer Processing Report (TPR). The operator shall keep all information updated pursuant to CCR T 14, Section 17403.9. Such amendments or lack thereof may become the basis for changes in the permit. The information listed in the TPR is in no way meant to set limits on the facility. However, the LEA may determine that if the design significantly changes, the operator will be required to revise	Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

	the permit to include additional or different conditions or limitations	
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Other changes include:

1. Updated Transfer Processing Report

### **Key Issues**

The proposed permit will allow for the following:

1. The current permit, issued in 2004, mentions that the Household Hazardous Waste (HHW) facility is operated by San Mateo County. This reference will be removed as the HHW facility will now be run by the operator;
2. Change the name of the site from San Bruno Garbage Co, Inc. to San Bruno Transfer Station;
3. Change the name of the owner/operator from San Bruno Garbage Company to Recology San Bruno.

### **Background:**

The proposed permit will allow for the continued operation of a large volume transfer station in the city of San Bruno, San Mateo County. The facility currently operates under a full Solid Waste Facilities Permit issued in 2004.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their letter dated May 2, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on January 30, 2014. The LEA provided a copy to the Department on May 8, 2014. No proposed changes were noted at that time.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received the updated proposed Solid Waste Facilities Permit on May 13, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received by CalRecycle on May 8, 2014, provided a finding that the facility is consistent with PRC 50001. Staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and is consistent with the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 30, 2014. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their letter dated May 2, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff conducted a pre-permit inspection on May 30, 2014, and found the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer station's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2009 – 2014 - No violations were noted.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes that will be authorized by the issuance of the proposed permit include:

1. Change in name of facility.
2. Change in name of operator and owner.
3. Deletes reference to the County of San Mateo as operator of the HHW facility.

No changes in design or operation are being considered as part of the permit modification.

The San Mateo County Environmental Health Division, acting as Local Enforcement Agency, has provided a finding that the proposed modified SWFP is consistent with and supported by existing CEQA documentation.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities, was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice for the modified SWFP in accordance with Title 27, Section 21660.3. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting held on May 20, 2014 and June 17, 2014.